IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 9210 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PARSURAM DAYARAM

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 9210 of 2002

MR ASHUTOSH R BHATT for Petitioner No. 1

MR KP RAWAL, ADDL. PUBLIC PROSECUTOR for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 24/02/2003

ORAL JUDGEMENT

Rule. Mr. K.P. Rawal, learned Additional Public Prosecutor waives service of rule.

2. This application for regular bail by the husband of the victim was pressed mainly on the grounds that all the relatives - co-accused are already released on bail, and the petitioner is father of two very young children who are rendered orphans in the absence of either of the parents. Although serious allegations of offences punishable under sections 304.B and 114 of Indian Penal Code and sections 3 and 5 of the Dowry Prohibition Act are alleged in the FIR which is registered as CR No. 203 of 2002 at Bavla Police Station against six accused persons, it was fairly conceeded that the petitioner did not have any other record of offence registered against his name, and his presence can be secured at the time of trial if suitable conditions were imposed. Learned counsel, however, requests not to discuss the merits of the case appearing against the petitioner insofar as the same has already been discussed in the order of the learned Sessions Judge in Cr. M.A. No. 1106 of 2002.

3. Accordingly, the petitioner is ordered to be released on bail in connection with Crime Register No. 203 of 2002 at Bavla Police Station on his executing a bond of Rs.10,000/-(Rupees ten thousand only) with one surety of the like amount to the satisfaction of the lower Court and subject to the conditions that he shall;

(a) not take undue advantage of his liberty or misuse his liberty;

(b) not act in a manner injurious to the interest of the prosecution;

(c) maintain law and order;

(d) mark his presence before Bavla Police Station on 1st and 15th of every month between 9.00 a.m. to 2.00 p.m.

(e) not leave the local limits of Ahmedabad District without the prior permission of the concerned Sessions Judge.

(f) furnish the address of his residence at the time of execution of the bond and shall not change his residence without prior permission of this Court;

(g) surrender his passport, if any, to the lower Court within a week;

4. If breach of any of the above conditions is committed, Sessions Judge at Ahmedabad will be free to issue warrant or take appropriate action in the matter.

5. Bail before the lower Court having jurisdiction to try the case.

6. The Police Officer shall not cause the applicant/s to wait unnecessarily, but will make the applicant/s free at the earliest.

5. Rule is made absolute. Direct service is permitted.

(D.H. WAGHELA, J.)

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